

though they know themselves to be here but for a day, and that the scrutinizing eye of our country is still upon them—proofs of a want of principle, far more than sufficient to show that apt scholars would not be wanting for the school of official morals to which I have referred.

Among the minor incidents of this most wonderful drama is a plan to avail themselves of our presence in this capital, in order to give to the federal district a government founded on republican principles, in place of the old Spanish municipal institutions, under which it has to this day continued to groan.

I will close with a few words on the subject of Santa Anna. Conversation with his familiars, since our entrance into the city, has only served to add to the strength of a conviction previously entertained, and that did not at all require corroboration; which is, that if Santa Anna had been, at the recent juncture, the man he once was, we should before this have had a treaty negotiated, and he would now be firmly fixed in power. But, at the very crisis of his destiny, his heart failed him; and although, to the last moment, urged up to it by some in whom he had great confidence, he could not bring himself to take the plunge into his Rubicon. The design which he had for some time meditated, and had brought himself to believe that he had resolved to carry out, found him, when the hour arrived, irresolute and vascillating; and, instead of taking the question of peace entirely into his own hands, he allowed himself to be carried along, by the flood of circumstances, into staking all upon a battle which every one felt sure that he would lose. His firmness was, to be sure, put to a most severe test: for threatening communications, official and private, were pouring in upon him from all quarters, from the State governments and from individuals. Those, however, who best know him, and who were around him during the crisis, believe that he would have stood firm against all this, but for the influence exercised over him, to the amazement of all, by one man—General Tornel, a person universally contemned, and most justly so.

I am, sir, very respectfully, your obedient servant,
N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

[No. 19.] HEAD-QUARTERS OF THE U. S. ARMY,
Mexico, October 31, 1847.

SIR: I transmit herewith a copy of a note addressed by me, under date of the 20th instant, to the Minister of Relations, enclosing my reply, under date the 7th September, to the last communication of the Mexican commissioners. A copy of this reply accompanied my No. 16; but, having made some verbal alterations in it previously to transmitting it to the minister, I now send a copy containing those alterations, together with a note which I have been led to add to it in consequence of certain admissions contained in a recent

pamphlet from the pen of Señor Otero, a member of the present Congress, and one of the most able public men of the country. This pamphlet first appeared in the Spanish, and subsequently in English. Upon its first appearance I commenced making translations of certain passages, in the design of sending them to you; but I desisted upon seeing the English version announced. This version, although tolerably well done, proved on examination to be inaccurate in the more important passages: and I then engaged in the task of correcting them in one of the printed copies, before transmitting it. The "American Star" having commenced its publication in its columns, and the probability being that the train for Vera Cruz which is to leave in the morning, and by which this is to go, would not set out until day after to-morrow, I have lent the corrected copy to the publisher of the "Star," in order that he may print from it, and with a view to sending you a fair printed copy, free from the manuscript alterations, which would render its perusal troublesome. The lateness of the hour (I have been so closely engaged all day as not to have recollected it in time) does not permit me now to recover it; and I send, together with a copy of the Spanish original, one of the defective version, which will suffice for a cursory perusal. Comments upon it will be found in the Nos. of the "Razonador" sent by this conveyance.

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My separation from my family has already extended to double the time that was anticipated when I so precipitately left home, and I have the strongest desire to return. Under the circumstances and prospects of *the moment*, it is my duty to remain; but it will very soon be determined whether we are to make a treaty with the present administration; and it will be made very promptly, if made at all. Should the question be referred to that which is to come in under the election now taking place, (as I fear that it will be, though with some hopes of a contrary result,) I cannot possibly continue hanging on here for an indefinite period. The new Congress (the elections for which thus far are very encouraging) is to meet in January; the road will soon be safe, and the season is very propitious for my successor to come, should it be deemed advisable to keep any one here. I trust, therefore, to receive, so soon as a reply to this request can be sent, permission to withdraw at once, should the state of affairs at the time it reaches me be such as to afford no prospect of the subject being acted upon until the new administration comes in. I have never evinced any disregard of the public interests, and this may be safely left to my discretion.

I am, sir, very respectfully, your obedient servant,
N. P. TRIST.

Hon. JAMES BUCHANAN,
Secretary of State.

P. S.—Your despatches sent through the War Department by Col. Wilson, (who died at Vera Cruz,) being those of the 13th (a du-

plicate) and 19th of July, came to hand to-day, sent by Colonel Childs from Jalapa.

TACUBAYA, *September 7, 1847.*

The undersigned, commissioner of the United States of America, has the honor to acknowledge the receipt of the note under date of yesterday, from their excellencies the commissioners on the part of Mexico, accompanying the counter projet which they had been instructed to present.

The authority with which he is clothed being limited, so far as regards the boundary to be established between the two republics, to the conclusion of a treaty upon the basis of the ultimatum presented by him on the 2d instant, the undersigned finds himself, as was stated by him at their conference on yesterday, under the painful necessity of recognising the absolute irreconcilableness which exists between the views of the two governments in this regard, and of considering these final instructions to their excellencies as putting an end to the negotiation which he has had the honor to conduct with them, and which has left on his mind a deep and lasting impression of the sincerity with which his earnest wish was reciprocated, that the restoration of peace might be the result.

Debarred as he is from discussing with them the question of boundary beyond the point now reached, he must limit himself to some remarks in reply to the observations to which his attention is invited, and which he is requested to consider fully, before coming to a definitive determination with respect to their propositions.

Acknowledging their title to his utmost attention, not only on account of the gravity of the subject, but also because of the candor and frankness displayed throughout their intercourse on the part of those by whom these observations are submitted, the undersigned, after considering them in the same spirit, finds himself compelled to say that, plausible as they may at a first glance seem, they indicate to his mind an altogether erroneous view of the positions in which the two countries stand towards each other, and of the general question now pending between them.

It is perfectly true, as stated by their excellencies, that "the war now existing commenced with reference to the territory of the State of Texas;" and it is likewise true, that the title by which this territory is claimed by the United States (or, to speak more properly, now constitutes an integral portion of the United States) consists in "the act of Texas," (concurrently with that of the American Congress,) "whereby she became incorporated into the Union" as one of its sovereign members. But this is very far from warranting the conclusion which appears to their excellencies to flow from it; and on which are rested the reasonableness and justice of the propositions which they have been instructed to make on the part of the Mexican government.

This conclusion is, that Mexico, by consenting, as she now offers to do, upon being properly indemnified, to accede to the claim

of the United States to Texas, removes the cause of the war; and that, consequently, all title whereby it may be further prosecuted being now wanting, it should at once cease. Pursuing the same line of reasoning, it is further urged, with reference to the remainder of the territory comprehended within the boundary described in the projet presented by the undersigned, that no right thereto having heretofore been alleged by the United States, consequently the only title by which it could be acquired must rest either upon conquest or upon purchase; with respect to the former of which titles, the confidence is expressed that it would be regarded with reprobation by the United States; whilst, in regard to the latter, it is remarked, that it would be repugnant to every idea of justice to wage war against a nation for no other reason than her refusal to sell territory which a neighbor desired to purchase.

To perceive clearly the utter fallacy of this whole view of the subject, it is necessary only to advert to a few leading facts belonging to the series of events out of which has grown the state of things now existing between the two countries.

Composed chiefly of emigrants from the United States, who had been invited thither by Mexico, under the guarantees for the security of life, liberty, and property, afforded by the constitution of 1824—a constitution modelled upon that of their native land—the people of Texas, after the lapse of a few years, found themselves presented with the alternative of taking up arms in defence of their dearest rights, or submitting to the military usurpation and despotism by which the organic law of their adopted country had been subverted and replaced. As could not but be foreseen by all persons not entirely unacquainted with the national character formed under the influences of English principles of government, and of the developments which these have received on our side of the Atlantic; the former of these alternatives was the choice of the Texans. They resisted it, and their resistance proved successful. Thus arose the republic of Texas.

After establishing a government, the security afforded by which to all that civilized man holds dear, presented the most striking contrast to the consequences of the subversion of the Mexican constitution, as exhibited throughout the rest of the country for whose happiness it had been established; after obtaining from the principal powers of the earth a recognition as one of the great family of nations; and after maintaining this position through a period, and under circumstances, rendering manifest to the world that it was not to be shaken by Mexico, the new republic sought and obtained admission among the United States of America as a member of their Union.

By this event she became entitled to be protected by the United States from invasion; their appropriate organ for the discharge of this obligation being the Executive of the general government, as the functionary charged with the control and direction of their defensive force. But, of what consisted the territory of this new member of the Union, which, from the moment of her admission as such, it had thus become the duty of the President of the United

States to employ the forces placed by the constitution under his direction in protecting from invasion? In other words, where were her boundaries? To protect a State from invasion, means to prevent the occupation of any portion of her territory by the armed force of any other State or nation. This obligation, therefore, manifestly implies the existence of limits to her territory; limits, the crossing of which by a foreign force constitutes an invasion. It necessarily results, from the very nature of things, that this duty of protection can have no existence, except concurrently with the existence of such limits. When considered with reference to this obligation, a territory without determinate limits is a contradiction in terms; it is of the very essence of the obligation that the portion of the earth's surface to which it attaches shall be definitive and determinate; it being otherwise impossible to say when it is invaded, and when it is not invaded.

Where, then, were the limits of this new member of the Union? As defined and asserted by herself, the territory of Texas extended to the Rio Bravo. Her right to insist upon this boundary was equally good, and identically the same, in all respects, as the right of Mexico to insist upon any other line of separation; and this right, agreeably to a principle of international law, too well established to admit of dispute or doubt, existed *independently of the question as to what might or might not have been the true limits of Texas whilst constituting a part of the Mexican republic.* With reference to that period, their excellencies the commissioners assert, as "a matter of absolute certainty, that the country comprehended between the Nueces and the Bravo had never formed part of the State of Texas." But, supposing this to be true, it would not in any way affect the right of the Texan people, at the close of the war into which they had been forced, as above stated, to insist upon such boundary as they might deem essential to their future security against the spirit manifested towards them by the government whose usurped power they had so successfully defended themselves against; whilst, not content with subverting the authority of the constitution, it had sought to stifle and to extinguish forever, within the bounds of Texas especially, not only every spark of liberty, but every one of those great elements of civilization which that constitution was designed to foster and to develop. In a word, the republic of Texas and the republic of Mexico had been for many years at war; and, *as the condition to the cessation of this war, either party had the same right, identically, to demand and insist upon the establishment of such boundary as in her judgment was the just and proper one.* If Mexico, on her part, could assert as a fundamental axiom the one now put forward by her commissioners, that "no nation can rightfully be required, nor should any nation ever consent, to relinquish her natural frontier," and from this axiom deduce her right to insist upon possessing the territory between the Nueces and the Bravo, on the ground of the insufficiency of the latter river alone for her security, either in a military or in a commercial point of view, and that the river and the territory together were indispensable to her for this purpose—if this

right appertained to Mexico, Texas, on the other hand, had an equal right to appeal to the same principle, and to point to the manifest self-contradiction involved in the deduction drawn from it; which, on the ground that the whole of a broad and angry torrent was insufficient for her security, gave to Mexico a wide extent of territory as an additional bulwark, whilst it required that Texas should content herself with half the width of a comparatively narrow and sluggish stream.

Such, then, was the position of Texas with regard to her boundary towards Mexico, at the time when she became admitted into the Union. According to the well settled doctrine of international law upon this subject, the line of demarcation between the two republics *had become obliterated by the war*; and the consent of both had become necessary to the re-establishment of that line, or the establishment of any other, as their common boundary. This being the state of things, Texas, asserting her right and her determination to insist upon the lower part of the Rio Bravo as a part of that boundary, obtained admission into the North American sisterhood. With respect to this point, however, the American Congress, through a scrupulous regard for any right which Mexico might have, or might suppose herself to have, to any portion of the territory embraced within the asserted limits of Texas, reserved to the United States the right to determine those limits by means of friendly negotiation with Mexico; this being, as has already been observed, the only way in which an international boundary, in the proper sense of the term, can be ascertained. For, although one of two conterminous nations may select for itself, and may maintain by force, the line which is to separate her territory from that of the other, yet a boundary between them can never be said to exist except in virtue of the consent and recognition of both. Without such agreement between them, neither of two nations whose territories touch each other can be said to have a boundary.

Such was the state of the case between Texas and Mexico at the time of the admission of the former into the American Union; and such it necessarily continued to be after that event; with this single difference, that the question between Mexico and Texas had now become one between Mexico and the United States. No agreement or understanding had yet taken place between them. The Mexican government, on the contrary, still claiming to consider Texas as a rebellious province, over which it intended to re-establish its authority, it was in the nature of things impossible that the boundaries of this new member of the American Union should have become determined.

From this state of things resulted the obligation, equally imperative upon the United States and upon Mexico, to effect as speedily as possible that settlement of boundary which, by events now past recall, and manifestly to the whole world constituting a "fact fulfilled," had become a matter of absolute necessity between these two parties, as that by virtue of which alone either of the two could exercise authority over any portion of the country lying between the Rio Bravo and the Sabine, without the certainty of col-

lision between the equal right and the equal obligation of each to defend its territory from invasion; for, as has already been stated, whilst Texas on the one hand asserted that these two rivers constituted her boundaries, the Mexican government, on the other hand, persisted in denying the separate existence of Texas as an independent State, and claimed the whole country embraced between those streams as still constituting a part of Mexico. Moreover, even on the supposition that the pretensions of the latter had been less irreconcilable with the fixed facts of the independence of Texas and her incorporation into the Union, and if these fixed facts had received from Mexico the acknowledgment to which they were entitled from human reason, still, even on this supposition, the necessity for a settlement of the boundary would have been no less absolute than it has been shown that it was: for, until ascertained by a compact or agreement, definitive or provisional, between the United States and Mexico, the boundary between the two republics, when considered by the United States with reference to the national obligation to protect their territory from invasion, *could be none other than that very boundary which had been asserted by Texas herself.* From the very nature of things it could not be otherwise; because, independently of the truth that a boundary between two conterminous nations cannot exist except in virtue of their mutual consent, and that consequently it was impossible that this boundary should be determined by the United States alone—independently of this truth, the necessity here referred to resulted from the care taken by the United States, whilst in the very act of admitting Texas, to respect the territorial rights of Mexico; not, indeed, by denying, as her government persisted in doing, the existence of Texas as a sovereign and independent republic, but by recognizing the impossibility that, by the mere act of Texas alone, the line of demarcation between herself and Mexico should be determined. From this manifestation of regard for the rights of Mexico, it resulted that the executive of the United States, their constitutional organ for fulfilling the obligation of protecting the country from invasion, was placed under the necessity either to disregard that obligation entirely with respect to Texas, or to consider it as co-extensive with the limits which she had herself asserted. Between these alternatives no medium presented itself, except that the executive should assume to decide what the proper limits of Texas were: a thing impossible on its part, without an usurpation of power no less futile than flagrant. For, whilst on the one hand it could not but leave the question of boundary precisely where it stood before, it would have involved at once a violation of the rights of Texas, a violation of the rights of Mexico, and a defiance of the authority of the legislative power of the Union; the determination of these limits having by that authority been referred to the concurrent action of the treaty making power of the United States and of Mexico. This flagrant and threefold usurpation on the part of one branch of the government of the United States, constituted the only possible middle course

between the alternatives above stated. And this state of things must continue so long as the boundary of the newly admitted member of the Union should not be ascertained, either definitively or provisionally, by a treaty or convention between the American and the Mexican governments.

Thus stood the case between the two republics. Here was a juncture in human affairs, presenting as a fixed fact—a fact which had passed beyond human control, and which it was just as impossible to do away with as it is for man to change the figure of the globe which he inhabits—the absolute necessity of an immediate understanding and agreement between the two governments; whereby, if not definitively, at least provisionally, that boundary should be ascertained by means of which alone their respective fields of duty could be distinguished; by means of which alone a collision in the discharge of those duties could be avoided. And how was this necessity met by Mexico? By a refusal to acknowledge it. To endeavors the most earnest, the most respectful, the most conciliatory, the most patient and persevering, to induce her to listen, she responded by a refusal to hear. The admission of Texas into the Union was denounced by the Mexican government, in terms that the undersigned will not recall, as an act of war; and its unalterable determination proclaimed to wrest Texas, the whole of Texas, from the United States, by force of arms. Armies were embodied, and the resources of the country exhausted, in preparations to carry this threat into execution; and finally the troops of the United States were attacked, and American blood was shed within that territory which, as has been demonstrated, nothing but the amicable understanding which it had so earnestly, but so vainly sought, could have absolved the government of the United States from the necessity of considering as a part of the country which it is under the most imperious and the most solemn of obligations to protect from invasion.

Thus did this war begin. It was commenced, not by the United States to acquire Texas, but by Mexico to subjugate Texas, after her national existence had become irrevocably blended and identified with that of the United States. This was the avowed purpose for which Mexico's "Army of the North" was embodied and marched, and for which "the campaign of Texas" was opened. The ulterior destination of that army, as proclaimed by the press of the Mexican capital, echoing and re-echoing the manifestoes and the orders poured forth by the government, was not the southern shore of the Rio Bravo, but the western shore of the Sabine. There was no mention then of the distinction between the territory proper to the State of Texas, and the territory proper to the State of Tamaulipas; nor of "the zone between the left bank of the Bravo and the right bank of the Nueces;" nor of the latter river as constituting a boundary of any sort, or for any purpose. The only limit to Mexican territory, recognized in the manifestoes referred to, was the Sabine; and upon the bank of that river was the army of Mexico to plant her flag.

Thus did the war begin. Had no such purpose as the subjugation of Texas been then avowed or been then entertained by the Mexican government; had her "Army of the North" been formed solely for defensive purposes; even then, on this supposition, so highly favorable to Mexico, the cause of the war could be found in but one thing: the pertinacious refusal of her government to recognize the necessity which had arisen for that concurrent action of the two governments by which alone either nation could be enabled to distinguish the territory which it was under the obligation to defend as its own, from that which it was bound to respect as its neighbor's.

When considered in connexion with the course pursued by the Mexican government in refusing to recognise this necessity, the mere presence of its forces upon the left bank of the Bravo, or anywhere within the asserted limits of Texas, constituted an invasion. Independently of any attack by those forces upon the troops of the United States, their crossing the Bravo amounted of itself to overt war. Under the circumstances which attended it, this act could be construed into nothing else than the first step in carrying out the avowed determination to subjugate Texas; to overrun and occupy the entire State, up to the very bank of the Sabine. But, independently of all those circumstances, and if no such purpose had been avowed or been indicated in any way; still, the mere act of crossing the Bravo, connected with the refusal above stated, constituted a hostile invasion. It is impossible that any act between nation and nation should be more strongly or more clearly stamped with the character of war—of deliberate and premeditated war. This invasion was repelled; and the war thus commenced by Mexico became soon a war of invasion on the part of the United States: a war of invasion, but not of aggression; for they had remained passive until actually struck, and until it had thus become manifest that no good consequences could result from further forbearance, and that the only hope of peace between the two countries rested upon a vigorous prosecution of the war by the party assailed.

The results by which it has thus far been attended, it were needless here to dwell upon. It suffices to say, that the seaports of Mexico, together with the chief cities and strong places of a very considerable portion of her territory, are now in the possession of the forces of the United States; and this under circumstances affording no prospect whatever that their hold upon them can be made to loosen. These are the circumstances under which the desire for peace, so steadfastly cherished and so constantly manifested by the United States, is now again repeated. In making this offer upon the conditions set forth in the projet submitted by the undersigned, the United States occupy a position very different from that supposed in the observations which have elicited these remarks. In proposing to Mexico to agree to the establishment of the boundary defined in that projet, they do not present themselves as purchasers, attempting to coerce a neighbor to the sale of her

territory. They do, it is true, rely on the title by conquest, but not in the sense wherein alone this title has any odium attached to it, even according to the highest known standard of international morality. The title by conquest—understanding by conquest, the forcible wresting of a country from its rightful owner without just and sufficient cause, and through the mere desire to possess it—this title by conquest is one which the Mexican government does nothing more than justice to the United States in supposing that it finds no favor in their eyes. But, if by conquest be meant the retention of territory which a neighbor, by forcing you into a war, has compelled you to occupy after every possible means has been exhausted by you to preserve peace and to avoid that necessity—if this be the sense attached to the words, then the title by conquest is one which any member of the great family of nations may appeal to, in the certainty that it will be pronounced good by the tribunal to which they are all alike amenable. From the judgment of that tribunal upon the terms now offered to Mexico, the United States have nothing to apprehend. In the eyes of a candid world, when the excitement and the misconceptions of the hour shall have passed away, their conduct will appear in its true light, and the erroneousness of the view now taken by Mexico of the position which they occupy towards her will be manifest. Instead of the covetous neighbor, seeking to extort from the weakness of another the sale of territory which she is averse to part with, they will be seen to have realized the character of a generous conqueror, freely preferring to restore possessions of inestimable value, acquired at a vast expenditure of blood and of treasure, in the prosecution of a war into which he had been most reluctantly compelled; and who, whilst insisting, with respect to a portion of his conquests, upon his right to retain them, sought at once to reconcile the exercise of this right with the interests of the other party, and to render it as little grating as possible to his feelings, by connecting with it an offer of that pecuniary relief which his exhausted condition so loudly called for, and which everything conspired to render vastly more important to his welfare than the recovery of remote and uninhabited districts, the loss of which would be as little felt as had been the merely nominal and purely sterile authority previously exercised over them.

In closing this correspondence, the undersigned, whilst most painfully alive to the consequences which cannot but attend the failure of the purpose for which they were placed in communication, experiences unfeigned satisfaction in giving utterance to the sentiments of personal esteem and confidence with which he has been inspired by the eminent citizens of Mexico who have acted as her organs in the negotiation. Barren as unhappily it has proved in regard to the great object which has occupied them, it has at least served to impress deeply on his mind the conviction, that, had the course of the Mexican government upon the Texan question been directed by the enlightened patriotism which this republic possesses among her sons, reason and candor and good feeling